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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/652,141	08/29/2003	Jonathan H. Hurd	HURD-P01	1173
49142	7590	08/01/2006	EXAMINER	
SCHOX PLC			MAI, TRI M	
209 N. MAIN STREET #200			ART UNIT	
ANN ARBOR, MI 48104			PAPER NUMBER	

3727

DATE MAILED: 08/01/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/652,141

Applicant(s)

HURD, JONATHAN H.

Examiner

Tri M. Mai

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _____ MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on _____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☐ Claim(s) _____ is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☐ Claim(s) _____ is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

1. The allowances of claims 7, 10-24 have been withdrawn, this office is non-final.
2. Claims 7, 15, 16, 22, and 23 rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

It is unclear how the grips are selectively fastenable to the container at multiple locations and at multiple angles as claimed. It seems that the grip are not attachable to the container, but to the arm portion. The arm portion is defined separately from the container. Furthermore, it seems the device is fastened to the container at the various loop portion (note the loops below the handle of the container in Fig. 2). There are no other fastening locations that the grips can be fastened to the container. Similar issue with the limitations of how the grips are selectively fastenable to the container at multiple angles.

Regarding claim 22, the specification fails to show how the arms are fastenable to the arms are selectively fastenable to the arm at multiple locations along the arm. It seems that portion 54 is rigidly attached to the arm 36 as shown in Fig. 5. There is no structural indication to show that portion 14 is movable along arm 36. It seem that portion 14 must be rigidly fastened to the arm 36 to maintained a secured connection with the bar 20. Similar problem with the grips are selectively fastenable to the arm at multiple angles to the arm.

3. Claims 7, 10, 11, and 13-24 are rejected under 35 U.S.C. 102(a) as being anticipated by Settelmayer et al. (6918521). Settelmayer teaches a cargo system having a first mount adapted to cradle the first bar and coupled to the container and a second mount adapted to cradle the

second and couple to the container for movement between engaged position and a disengaged position wherein the first mount include left and right grips 50 are selectively fastenable to the container at multiple locations along the container along the slots 66 and the first left and right grips 50 are selectively fastenable to the container at multiple angles via bolt 44.

Regarding claim 10, Settlemayer teaches a container having the two mounts, an arm 38 fastened to the bottom surface of the container for pivotal movement between a closed position and an open position as shown in Figs. 2 and 3.

Regarding claim 13, note that portion 62, 44, and 46 comprises the latch as claimed.

Regarding claim 17, Settlemayer teaches a container having the two mounts, an arm 38 fastened coupled to the container for linear movement between closed position and an open positions as claimed, i.e., the arm 38 along with the mount can be move in a linear movement between disengaged position a position where portion 22 is outside of portion 60 into an engaged position where portion 22 is inside portion 60 via the slot 66 and the arm 38.

4. Claim 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over Settlemayer. It would have been obvious to one of ordinary skill in the art to position the various locking means of Settlemayer in opposite directions to enable one to lock the container in the various positions.

5. Claim 7 is rejected under 35 U.S.C. 102(b) as being anticipated by Harder (2561199). Harder teaches a system comprising a container 12, first and second mounts 50 adapted to cradle the first bar 44 at portions 48 and coupled to the container for movement between an engaged position and a disengaged position. The mounts, each including a first left and right grips and selectively fastenable to the container at multiple locations and at multiple angles via portion 72 as claimed.

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6. Claims 25-26 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tri M. Mai whose telephone number is (571)272-4541. The examiner can normally be reached on 7:30am-5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nathan Newhouse can be reached on (571)272-4544. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Tri M. Mai
Primary Examiner
Art Unit 3727

